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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,043	12/04/2001	Thomas I. Yeh	88413.000002	9524
23387	7590	10/02/2003	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			PEREZ DAPLE, AARON C	
		ART UNIT		PAPER NUMBER
		2121		6
DATE MAILED: 10/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/005,043	YEH ET AL.
	Examiner Aaron C Perez-Daple	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 December 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-3, 6, 8-10 and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by Edlund et al (US 6,085,227) (hereinafter Edlund).
2. As for claims 1 and 8, Edlund discloses a programmable interface apparatus and method for connecting one of a plurality of industrial machines having different data format and storage configurations to a communication medium for remote monitoring and control comprising:
 - (a) a memory [inherent to proxy server 104, Fig. 1; col. 3, lines 4-9, “The computer programs...a data communications device.”] for storing data in predetermined locations and in a predetermined format, and for storing configuration information relating to the at least one of the industrial machines [col. 4, lines 33-39, “Typically, commands are...coordinate systems.”];
 - (b) a configurable electrical interface [device server 104, Fig. 1] responsive to the configuration information for receiving machine data from the industrial machine and sending data to the industrial machine [col. 5, lines 26-37, “The command processor...fails to respond.”];

(c) a data translator [CMDPROC 112, Fig. 1] responsive to the configuration information, receiving data from the interface and transforming the data to the predetermined format [col. 5, lines 26-37, "The command processor...fails to respond."];

(d) a processor [CMDPROC 110, Fig. 1] responsive to the configuration information for reading data from and writing data to the predetermined locations in memory [col. 5, line 66 – col. 6, line 16, "Block 206 represents...to Block 202."; Fig. 2]; and

(e) a communications port connected to the communications medium [inherent for network connectivity between elements].

3. As for claims 2 and 9, Edlund discloses the programmable interface apparatus and method of claims 1 and 8, in which the information relating to the industrial machine includes data transform information, and the data translator is responsive to the data transform information [col. 4, lines 33-39, "Typically, commands are...coordinate systems."].

4. As for claims 3 and 10, Edlund discloses the programmable interface apparatus and method of claims 1 and 8, further comprising a display coupled to the processor for displaying the data to a user [inherent to client computer 102, Fig. 1; col. 8, lines 27-35, "In summary...generates the results."].

5. As for claims 6 and 13, Edlund discloses the programmable interface apparatus and method of claims 1 and 8, further comprising a configuration processor separate from the apparatus and removably connectable to the apparatus for processing configuration information and loading the configuration information into the memory [proxy server 104].

6. **Claims 1, 2, 5, 7-9, 12 and 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Khan et al (US 6,088,624) (hereinafter Khan).

7. As for claims 1 and 8, Khan discloses a programmable interface apparatus and method for connecting one of a plurality of industrial machines having different data format and storage configurations to a communication medium for remote monitoring and control comprising:

(a) a memory [memory 28, Fig. 1] for storing data in predetermined locations and in a predetermined format, and for storing configuration information relating to the at least one of the industrial machines [col. 2, lines 26-47, "Specifically, the method...and the templates."];

(b) a configurable electrical interface [I/O circuit 26, Fig. 1] responsive to the configuration information for receiving machine data from the industrial machine and sending data to the industrial machine [col. 2, lines 48-53, "It is a general...the control program."];

(c) a data translator [I/O table 32, Fig. 1] responsive to the configuration information, receiving data from the interface and transforming the data to the predetermined format [col. 2, lines 26-47, "Specifically, the method...and the templates."];

(d) a processor [processing unit 22, Fig. 1] responsive to the configuration information for reading data from and writing data to the predetermined locations in memory [col. 3, lines 46-57, "Central processor 12...device 16 and 18."]; and

(e) a communications port connected to the communications medium [inherent for connectivity to communication link 14].

8. As for claims 2 and 9, Khan discloses the programmable interface apparatus and method of claims 1 and 8, in which the information relating to the industrial machine includes data transform information, and the data translator is responsive to the data transform information [col. 2, lines 48-53, "It is a general...the control program."].
9. As for claims 5 and 12, Khan discloses the programmable interface apparatus and method of claims 1 and 8, in which the memory storing configuration information is removable memory [discs 33, Fig. 1].
10. As for claims 7 and 14, Khan discloses the programmable interface apparatus and method of claims 1 and 8, in which the configuration information comprises configuration information for a plurality of industrial machines [Fig. 1; col. 2, lines 16-25, "The present invention...physical devices."].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 4 and 11** are rejected under 35 U.S.C. 103(a) as being obvious over Khan. Although obvious to one of ordinary skill in the art, Khan does not specifically disclose the use of non-volatile memory for storing the configuration information. "Official notice" is taken that both the concept and advantages of storing configuration information in non-volatile memory are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the configuration information

in non-volatile memory in order to prevent losing this information upon a power off or resetting of the apparatus.

13. **Claims 3, 6, 10 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan in view of Dew (US 5,963,450).
14. As for claims 3 and 10, Khan does not specifically disclose a display coupled to the processor for displaying data to a user. However, Dew discloses a programmable interface apparatus and method similar to claims 1 and 8, further comprising a display coupled to the processor for displaying the data to a user [display 87, Fig. 3]. It would have been obvious to one of ordinary skill in the art to modify Khan with the teachings of Dew by adding a display in order provide a user interface for user control and configuration of the controller, as taught by Dew [col. 2, lines 51-62, "Data from each slave...each slave device."].
15. As for claims 6 and 13, Khan does not specifically disclose the use of a configuration processor separate from the apparatus and removably connectable to the apparatus. However, Dew discloses a programmable interface apparatus and method similar to claims 1 and 8, further comprising a configuration processor separate from the apparatus and removably connectable to the apparatus for processing configuration information and loading the configuration information into the memory [PC 74, Fig. 3; col. 5, lines 37-42, "A PC based data...communication networks."]. It would have been obvious to one of ordinary skill in the art to modify Khan with the teachings of Dew by adding a configuration processor separate from the apparatus and removably connectable to the apparatus in order provide a user interface for user control and configuration of the controller, as taught by Dew [col. 2, lines 51-62, "Data from each slave...each slave device."].

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,529,936, note object-oriented control of plural devices; US 6,580,950, note network control of plural devices; US 6,362,836, note Fig. 2; US 6,430,740, note network for remote control of plural devices; US 6,526,323, note Fig. 1; US 5,367,646, note Fig. 1; US 6,501,995, note Fig. 1; US 6,185,466, note Fig. 1; US 6,098,116, note Fig. 1; US 2001/0042150, note Fig. 1; US 6,496,893, note Fig. 1.
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703)305-4897. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703)305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Aaron Perez-Daple


ANIL KHATRI
SUPERVISORY PATENT EXAMINER